



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

July 2, 2001

Dear Permit Holder:

On May 10, 2001, the National Marine Fisheries Service (NMFS) approved the Tilefish Fishery Management Plan (FMP), which contains new permitting requirements for vessels wanting to fish for, possess, retain or land tilefish. New tilefish vessel permits include a limited access vessel permit requirement for the tilefish fishery. Although the final regulations are not yet in effect, the Northeast Regional Office of NMFS has begun the process of qualifying fishing vessels for the tilefish fishery.

Enclosed is a permit application for this purpose (call NMFS Permit Office at 978-281-9370 for a copy). If your vessel pre-qualifies for a limited access tilefish permit based on landing information in NMFS' database, an additional letter is enclosed in this package (call NMFS Permit Office at 978-281-9370 for a copy) informing you of your vessel's qualification and the permit category for which it qualifies. If your vessel pre-qualifies for a particular limited access category, but you believe that your vessel qualifies for a different category than the one indicated on the additional pre-qualifier letter attached, or if a pre-qualifier letter is not enclosed and you want to apply for a limited access permit, you must submit proof that your vessel meets the qualification criteria described in this permit holder letter for the limited access category that you select and submit a completed initial permit application according to the instructions therein.

Fishing vessel owners whose tilefish vessels do not qualify for a tilefish limited access permit under the criteria listed on page 2 may elect an incidental catch permit, which is an open access permit that does not require proof of landings.

**The following is a summary of the proposed regulations for tilefish that were published in a proposed rule on April 3, 2001 (66 FR 17673). A subsequent permit holder letter will be released once the final regulations are published. You are encouraged to obtain further information or a copy of the final regulations by calling (978) 281-9315. However, we urge you to act now and apply early so that you have the appropriate permit in hand upon the effective date of the tilefish fishery regulations. Applications for an initial tilefish limited access permit must be received within one year from the date of publication of the final rule. Vessels that do not initially qualify for a tilefish limited access permit will not be issued a limited access permit in subsequent years (see "alternative ways to qualify" section below).**

### **TILEFISH VESSEL PERMITS**

Beginning with the effective date of the tilefish regulations, any vessel that fishes for, possesses, or lands tilefish harvested from the Exclusive Economic Zone (EEZ), except recreational fishing vessels (i.e., vessels that land fish not intended for or resulting in their sale, barter, or trade), must have a valid Federal tilefish permit on board. To insure that you will receive your Federal tilefish permit by the effective date of the regulations implementing the FMP, we encourage you to apply within 30 days of receiving this letter. There are



two types of Federal tilefish permits: Limited access (three permit categories) and open access (one permit category). In order to qualify for a limited access permit category, the vessel must meet the eligibility criteria outlined below. The corresponding quota allocations or total allowable landings (TAL) for each limited access and open access category are also listed below. The quota, which will be 1.995 million lb, will be divided among the three limited access categories after 5 percent of the TAL is deducted to reflect landings by vessels issued incidental catch permits. After adjusting for the incidental catch, the remaining TAL will be allocated as follows: Category A (full-time tier 1), 66 percent; Category B (full-time tier 2), 15 percent; and Category C (part-time), 19 percent.

<i>Permit Categories</i>	<i>LIMITED ACCESS</i>	
	<i>Qualification Criteria</i>	<i>Quota Allocations by Category</i>
<b>Category A - Full-time tier 1</b>	The vessel landed at least 250,000 lb of tilefish per year for any 3 years between 1993 and 1998, at least 1 lb of which was landed prior to June 15, 1993.	1,316,700 lb or 66 percent of the total allowable landings (TAL) per fishing year
<b>Category B - Full-time tier 2</b>	The vessel landed at least 30,000 lb per year for any of 3 years between 1993 and 1998, at least 1 lb of which was landed prior to June 15, 1993.	299,250 lb or 15 percent of the TAL per fishing year
<b>Category C - Part-time</b>	The vessel landed 10,000 lb of tilefish in any 1 year between 1988 and 1993 and 10,000 lb in any 1 year between 1994 and 1998, or landed 28,000 lb of tilefish in any 1 year between 1984 and 1993.	379,050 lb or 19 percent of the TAL per fishing year
<i>Permit Category</i>	<i>OPEN ACCESS</i>	
	<i>Qualification Criteria</i>	<i>Trip Limit</i>
<b>Category D - Incidental Catch</b>	There are no qualification criteria.	300 lb per trip

**Note:** Fishing year is defined as the 12-month period beginning with the effective date of the final rule.

### **LIMITED ACCESS PERMIT AND GEAR RESTRICTIONS**

- 1) A vessel may be issued a limited access tilefish permit for only one category during a fishing year.
- 2) A vessel issued a limited access permit may not be issued an incidental catch permit during a fishing year. This provision would prevent limited access vessels from harvesting tilefish once the annual quota for their permit category is attained.
- 3) A vessel issued a current and valid tilefish limited access permit may not fish for tilefish with any gear other than longline gear.

## **ALTERNATE WAYS TO QUALIFY FOR A LIMITED ACCESS PERMIT**

- < Your vessel is replacing a vessel that meets any of the eligibility criteria listed above in the table and meets any applicable size and horsepower upgrade restrictions.
- < Your vessel replaced a vessel that meets any of the eligibility criteria listed above in the table, and you are using the replaced vessel's history in lieu of or in addition to your vessel's fishing history, unless the owner of the replaced vessel retained the vessel's permit or fishing history.

## **COMMERCIAL QUOTA ALLOCATION**

- < The TAL for each fishing year, unless otherwise adjusted through the annual specification process, equals 1.995 million lb. Of the TAL, 5 percent is allocated to the Incidental Catch Category and 95 percent is allocated to the limited access vessels as indicated above in the table on page 2.
- < If the Regional Administrator determines that the quota for a particular limited access category is expected to be exceeded, the EEZ would close to fishing for tilefish by those vessels in that particular category for the remainder of the fishing year. Vessels will be notified through publication of the closure in the Federal Register.
- < Overages that occur in the quota allocation for any limited access category in a given fishing year will be subtracted from the quota for that category in the following fishing year.
- < If incidental catch exceeds 5 percent of the TAL for a given fishing year, the incidental trip limit of 300 lb may be reduced in the following year.

## **VESSEL LIMITED ACCESS PERMIT APPLICATION PROCESS**

If you received a pre-qualification letter in this package and agree with the limited access permit category indicated for your vessel, complete the enclosed permit application and return it to NMFS.

If you did not receive a pre-qualification letter in this package and believe your vessel qualifies for a limited access tilefish permit, or if your vessel pre-qualified and you would like to select a different limited access permit category (see "Limited Access Permit" on page 2), please apply for the appropriate permit on the enclosed permit application and submit evidence supporting your vessel's qualification. Acceptable proof of landings includes weighout slips (dealer slips), Federal and state landing records. If your vessel is qualifying as a replacement vessel, you must also provide the following information:

### *Replacement vessels -*

If your vessel is replacing a vessel that qualifies for a limited access permit based on landings history, in addition to filling out the vessel application for your current vessel, you should provide the name, Coast Guard documentation or state registration number, and permit number of the vessel it is replacing. If you sold the vessel that is being replaced, you should provide a copy of any written agreement between yourself and the new owner with respect to ownership of the permit history or fishing rights (see "Alternate ways to qualify" above).

## **VESSEL LIMITED ACCESS APPEALS**

If you are notified that your limited access permit application is denied, you may appeal the denial. Appeals must be requested in writing within 30 days of the notice of denial. The only ground for appeal is that the Regional Administrator erred in concluding that the vessel did not meet the qualification criteria (see "Limited Access Permit" page 2).

## **STATUS OF VESSELS PENDING AN APPEAL**

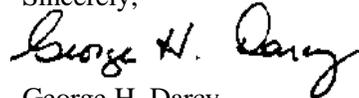
If you appeal the denial of a limited access permit, your vessel may fish for tilefish after the effective date of the regulations while the appeal is pending if you request in writing a Letter of Authorization from the Regional Administrator which must be carried on board your vessel. If the appeal is denied, you will receive a notice of denial; the Letter of Authorization becomes invalid 5 days after receipt of the notice of denial.

**CONFIRMATION OF PERMIT HISTORY (CPH)**

A person who does not currently own a fishing vessel, but who has owned a vessel qualifying for a limited access tilefish permit that has sunk, been destroyed, or transferred to another person, may apply for and receive a CPH if the fishing and permit history of that vessel has been retained by the applicant. To be eligible to obtain a CPH, the applicant must show that the qualifying vessel meets the qualification requirements for a tilefish limited access permit (see “Limited Access Permit” page 2). Issuance of a valid and current CPH preserves the eligibility of the applicant to apply for or renew a limited access tilefish permit for a replacement vessel based on the qualifying vessel’s fishing and permit history at a subsequent time, subject to the replacement provisions mentioned above.

This letter is only a summary of the tilefish permit information and qualification criteria for the tilefish limited access program. Detailed information on tilefish management measures will be forthcoming in a separate permit holder letter. For further information please call 978-281-9278.

Sincerely,



George H. Darcy  
Assistant Regional Administrator  
for Sustainable Fisheries